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Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Japan, Jordan, Liechtenstein, Luxembourg, Monaco, Norway, Portugal, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Taking note of Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999 and 1244 (1999) of 10 June 1999, and the general principles annexed thereto, as well as the statement made on 24 March 1998 by the Chairman of the Commission on Human Rights at its fifty-fourth session,[3] Commission on Human Rights resolutions 1998/79 of 22 April 1998[4] and 1999/2 of 13 April 1999[5] and the report of the United Nations High Commissioner for Human Rights to the Bureau of the Commission on Human Rights on the situation of human rights in Kosovo of 7 September 1999,

Taking fully into account the regional dimensions of the crisis in Kosovo, in particular with regard to the human rights and the humanitarian situation and the continuing problems

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. III, sect. E, para. 28.
[4] Ibid., chap. II, sect. A.
[5] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

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thereof, and noting that the return of refugees to their homes has contributed to the easing of this crisis,

Taking note with concern of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),[6] which describe the persistent and grave violations and abuses of human rights and international humanitarian law in Kosovo,

Condemning the grave violations of human rights in Kosovo, affecting ethnic Albanians prior to the arrival of United Nations Interim Administration Mission in Kosovo personnel and troops of the international security presence, the Kosovo Force, as demonstrated in the many reports of torture, indiscriminate and widespread shelling, mass forced displacement of civilians, summary executions and illegal detention of ethnic Albanians in Kosovo by the Yugoslav police and military,

Deeply concerned, in spite of the efforts of the United Nations Interim Administration Mission in Kosovo and the Kosovo Force, about the frequent instances of harassment, periodic kidnappings and murders of ethnic Serb, Roma and other minorities of Kosovo by ethnic Albanian extremists,

Expressing concern that the entire population of Kosovo has been affected by the conflict, and stressing that each of the national minorities there must benefit from full and equal rights,

Stressing, in this context, the importance of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Distressed by the lack of due process in the trials in Serbia of those ethnic Albanians who have been detained, charged or brought to trial in relation to the crisis in Kosovo in violation of international human rights standards,

Further stressing the urgent need to implement effective measures to stop trafficking in women and children,

1. *Underlines* the obligation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to abide by the terms of Security Council resolution 1244 (1999) of 10 June 1999 and the general principles on the political solution to the Kosovo crisis adopted on 6 May 1999;[7]

2. *Reaffirms* that the human rights and humanitarian crisis in Kosovo shall be addressed within the framework of a political solution based and built upon the general principles as set out in Security Council resolution 1244 (1999);

3. *Welcomes* the establishment of the United Nations Interim Administration Mission in Kosovo and the Kosovo Force, and calls upon all parties in Kosovo and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate fully with the Interim Administration Mission and the Kosovo Force in the fulfilment of their respective mandates;

4. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights in Kosovo, the Office of the United Nations High Commissioner for Refugees and the efforts of the Organization for Security and Cooperation in Europe;

[6] A/54/396-S/1999/1000 and A/54/396/Add.1-S/1999/1000/Add.1.

[7] Security Council resolution 1244 (1999), annex 1.

5. *Calls upon* all parties in Kosovo to cooperate with the Interim Administration Mission to ensure full respect for all human rights and fundamental freedoms and democratic norms in Kosovo;

6. *Calls upon* all authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), the local Serb leaders in Kosovo and the leaders of the Kosovo Albanian community to condemn all acts of terrorism, sequestration or kidnapping, forced evictions from homes or places of work of any resident of Kosovo, whatever the victim's ethnic background and whoever the perpetrators, to refrain from all acts of violence and to use their influence and leadership to cooperate with the Kosovo Force and the Interim Administration Mission in stopping these incidents and in bringing the perpetrators to justice;

7. *Expresses its concern* about the forced division of any part of Kosovo into ethnic cantons or ethnically based divisions of any type as counter to Security Council resolution 1244 (1999) and to the guiding principles of Rambouillet,[8] and stresses the need for all parties in Kosovo to take all necessary measures to stop or reverse any action that de facto or *de jure* permits such ethnic cantonization;

8. *Calls upon* all parties, in particular the authorities and representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Kosovo Serb and Albanian leaderships, to cooperate with the mine action coordination centre;

9. *Demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) provide an updated list of all persons detained and transferred from Kosovo to other parts of the Federal Republic of Yugoslavia (Serbia and Montenegro), specifying the charge, if any, under which each individual is detained, and that it guarantee their families and non-governmental organizations and international observers unimpeded and regular access to those who remain in detention and release all individuals detained and transferred from Kosovo prior to July 1999 in violation of international humanitarian and human rights standards, and also demands that Kosovo Albanian leaders provide an updated list of all persons detained and held against their will in Kosovo, that the well-being of detainees be assured and that the Kosovo Albanian leaders must cooperate with the Interim Administration Mission in achieving the immediate release of all detainees;

10. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to open to public observation trials or criminal prosecutions against all those charged in relation to the conflict in Kosovo;

11. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and ethnic Kosovo Serb and Albanian representatives to allow for and facilitate the free and unhindered return to their homes, in safety and with dignity, of all displaced persons and refugees, of whatever ethnic background, and expresses its concern about reports of continuing harassment or other impediments in this regard;

12. *Also calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to return or facilitate the fair, unbiased and accurate restoration or reconstruction of Kosovar documentation and legal records taken or destroyed during the conflict;

13. *Stresses* the importance and the responsibility of all parties to create a secure environment in Kosovo that will allow refugees and displaced persons to return and allow all those who wish to remain in Kosovo a genuine possibility to do so, irrespective of ethnic origin;

[8] See S/1999/648, annex.

14. *Requests* the Secretary-General to pursue his humanitarian efforts in Kosovo, working through the Office of the United Nations High Commissioner for Refugees, the World Food Programme, the United Nations Children's Fund, other appropriate humanitarian organizations and the Office of the United Nations High Commissioner for Human Rights, so as to continue taking the urgent practical steps to meet the critical needs of the people in Kosovo and to assist the continued voluntary return of displaced persons to their homes in conditions of safety and dignity;

15. *Encourages* the Office of the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International and Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to continue investigations at all levels, concerning official individuals or private citizens, on serious violations of international humanitarian law committed in Kosovo, and reaffirms that such crimes fall within its jurisdiction;

16. *Demands* that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Kosovo Serb and Albanian leaderships and all others concerned cooperate fully with the International Tribunal for the Former Yugoslavia and honour all obligations towards it;

17. *Reiterates* its call upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to their commitment to provide financial and material assistance to those residents of Kosovo whose homes have been damaged;

18. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to provide information on the fate and the whereabouts of the high number of missing persons from Kosovo, and encourages the International Committee of the Red Cross, in this regard, to pursue its clarification efforts, in cooperation with other organizations such as the Organization for Security and Cooperation in Europe;

19. *Encourages* the ongoing cooperation provided by the Federal Republic of Yugoslavia (Serbia and Montenegro) regarding the visits to some two thousand prisoners, mainly of Kosovo Albanian origin, carried out by the International Committee of the Red Cross and held under the authority of the Ministry of Justice of Serbia;

20. *Welcomes* the efforts made by the international community, and calls for continuing support to the Office of the United Nations High Commissioner for Refugees and other agencies engaged in the effort to provide those in need in Kosovo with proper accommodation, in particular with a view to facilitating the preparation and provision of adequate winter accommodation;

21. *Urges* all parties involved in Kosovo to support the efforts of the United Nations Children's Fund to ensure that all children in Kosovo return to school as soon as possible and to contribute to the rebuilding and repair of schools destroyed or damaged during the conflict in Kosovo;

22. *Calls for* the most rapid and full deployment of United Nations police and for the creation of a multi-ethnic local police force throughout Kosovo, as a key step to guaranteeing respect for law and order and for creating a safe environment for all inhabitants of Kosovo;

23. *Condemns* any effort, in behalf of any ethnic group, to create any sort of parallel institutions for Kosovo Serb and Albanian populations, be they police, school, administrative or other institutions, and calls upon the Interim Administration Mission and the Kosovo Force to prevent any such institutions from being formed;

24. *Requests* the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue to monitor closely the situation of human rights in Kosovo, to pay special attention to Kosovo in his reporting and to report his findings to the Commission on Human Rights at its fifty-fifth session and to the General Assembly at its fifty-fifth session.